SH2298451

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Sergeant Damon Jones' Interviews with Homicide Bureau and Internal Affairs Bureau

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Exhibits:

A- Homicide Case Book

B- Copy of first incident report containing page 2 of 3 showing the third suspect (not included in the Homicide Book). Also note page 3 of 3 of the crime analysis form is not in this section, it was already included in the Homicide Book (page 33).

C- Supplemental Report from Homicide Bureau with corrections and additional information.

D- Suspect Cooper and Suspect Smith's In-custody medical reports.

E- (2) Cd's containing Homicide Interviews, (1) Cd containing Suspect Coopers 911 call, (1) Cd containing IAB interview with Sergeant Jones, (2) Dvd's containing crime scene and aerial pictures.

F- Photograph circled by Sergeant Jones depicting the area of the rear yard where the suspects attempted to climb the fence.

G- Aerial photographs of the crime scene.

Miscellaneous Documents

- **Vincent Cooper and Del Lamont Smith's Criminal History printouts**
- **Administrative Rights Form signed by Sergeant Jones**

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COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: October 1, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2298451
Incident:	Hit Shooting
Incident Date:	October 5, 2011
Unit:	Carson Station / FOR II
Suspects:	Del L. Smith, M/27 Vincent Cooper, M/25
Involved Employee:	Sergeant Damon Jones, #[redacted]
EFRC Date:	September 27, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans and Commander Buddy Goldman met and reviewed the above case.

FINDINGS:
The Committee determined the force used by Sergeant Jones was objectively reasonable and in compliance with Department Policy. The Committee also determined the tactics used by Sergeant Jones were within the Department's training standards.

RECOMMENDATIONS:
The Committee recommended that Sergeant Jones receive a Performance Log Entry (PLE) to express the importance of identifying himself to other law enforcement personnel when requesting assistance, and to utilize an off-duty holster when carrying his off-duty weapon.

In addition, the Committee recommended the unit commander, Captain Eddie Rivero, conduct a tactical debriefing with Sergeant Jones regarding this incident.

MJR:JER:jer

Los A eles County Sheriff's Dep 'ment

Officer Involved Shooting

Report Date: 08/03/12	Bureau/Station/Facility: Cerritos	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 011-03585-2316-055	Date: 10/05/11 Time: 2250 hours
City or Station: Cerritos	Nature of Incident: Sergeant Damon Jones was off-duty and conducting patrol checks on his own home which was enclosed by a fumigation tent. While conducting a patrol check in the rear yard, he encountered three suspects. Suspect Smith threatened to shoot Sgt. Jones, Sgt. Jones fired three rounds, missing the suspects. All three suspects then ran, Sergeant Jones grabbed and struggled with two of the suspects (Smith & Cooper) separately, both suspects attempted to take Sgt. Jones' off-duty weapon and were shot. The third unidentified suspect was not located.
Location: [redacted]	

Location Type (*circle one or more*): **Backyard** (circled), Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence** (circled), Rural, School, Street, Other: ________

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights** (circled)

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: approx. 10 to 20 feet

Incident Type (*circle one or more*): Accidental, Armed Person, **Fleeing Suspect** (circled), **Foot Pursuit** (circled), Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, **Struggle Involved** (circled), Traffic Stop, **Unarmed Person** (circled), Unintentional, Vehicle Pursuit, Warrant Service, Other: ________

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, **Other** (circled), Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, **Other** (circled), Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
8	None	☒	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
[redacted]	Quire	Joseph	P.	**On Duty** (circled); Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	N/A		

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Berumen	George	

PSTD Use Only
SH # 2298451

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10/05/11	0230 hours		

Employee #	Last Name	First Name	M.I
[redacted]	Bracken	Sonja	M.
[redacted]	Bly	David	L.
[redacted]	[redacted]	[redacted]	[redacted]

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	FO					NN	
E1	S1	FH	SW	9	Y	Y	NN	
S2	E1	RS						
E1	S2	FL					LC	HE
S2	E1	RS					NN	
E1	S2	FH	SW	9	Y	Y	GS	BK
S1	E1	PH					SD	CH
S1	E1	PH					ST	FI
E1	S1	FH	SW	9	Y	Y	GS	BK

Officer Involved Shooting
Involved Employee Information

URN: 011-03585-2316-055

Involved Employee

E 1

Employee #: [redacted]	Last Name: Jones	First Name: Damon	M.I.: A.
Sex: M / Race: Black	Rank: Sergeant	Unit Assignment: Carson Station	Work Assignment (Unit #, Module, etc.): Field Supervisor
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☒
Hrs of sleep prior to shooting: 6	Duty Time (hrs):	Clothing (*circle only one*): (Plain Clothes no Vest) / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: [redacted] / Height: 511 / Weight: 219			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted]
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]

E __

Employee #:	Last Name:	First Name:	M.I.:
Sex: / Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: / Height: / Weight:			
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

E __

Employee #:	Last Name:	First Name:	M.I.:
Sex: / Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: / Height: / Weight:			
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

See Other Side

Officer Involved Shooting Suspect Information

URN: 011-03585-2316-055

Suspect Information

S 1

Last Name: Smith		First Name: Del	M.I.: L.
AKA Last Name: Lewis		First Name: Ahmad	M.I.:
Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 27 D.O.B. 08/30/84	Height: 509 Weight: 180	FBI #: [redacted]	CII #: [redacted]
Booking #: 2905706	Primary Charge: 459PC	Secondary Charge: 422PC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S 2

Last Name: Cooper Jr.		First Name: Vincent	M.I.: nmn
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: N/A	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 25 D.O.B. 10/22/86	Height: 509 Weight: 215	FBI #: [redacted]	CII #: [redacted]
Booking #: 2905676	Primary Charge: 459PC	Secondary Charge: 422PC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED HIT SHOOTING (OFF-DUTY SERGEANT)

UNIT: Carson Station
DATE: October 5, 2011, Wednesday
TIME: 2250 hours
LOCATION: [redacted], Cerritos, California 90703
URN#: 011-03585-2316-055
IAB#: SH2298451

On the above date and time, Carson Station's Sergeant Damon Jones was involved in a shooting with Suspects Vincent Cooper Jr. and Del Lamont Smith. The suspects were shot by Sergeant Jones when he attempted to detain them, as they exited his home, after burglarizing it. Sergeants Sonja Bracken, David Bly, and [redacted] responded to the Cerritos area command post and later to the scene.

Sergeant Jones resided at the location, which was "tented" for the purposes of fumigation. He was aware of several incidents where homes were burglarized while being fumigated, so he decided to park his vehicle in the driveway and remain there for security during the evening hours. Throughout the night, he walked around his home to check it. During one of the checks of his property, he heard voices and noises that seemed to be coming from inside his home. Sergeant Jones immediately called Cerritos Station via his cell phone and advised the desk personnel of a burglary in progress. While standing on the west walkway that led into the rear yard, he was confronted by three suspects who were exiting the rear of the home, through slits in the tenting.

Sergeant Jones drew his off-duty weapon, ordered the three suspects to raise their hands and to get on the ground. One of the suspects (Suspect Smith) shouted "I'm going to shoot you!" and turned toward Sergeant Jones. Fearing one of the suspects was about to shoot him, Sergeant Jones fired approximately three rounds from his off-duty weapon, which did not strike any of the suspects. One unidentified suspect immediately ran toward the southeast fence and out of view. The other two suspects (Cooper and Smith) attempted to climb over the north fence (rear of Sergeant Jones' home). Sergeant Jones was able to pull Suspect Cooper off of the fence and to the ground. Suspect Cooper immediately grabbed Sergeant Jones' pistol and the two struggled for it. Sergeant Jones fired his weapon, striking Suspect Cooper who fell to the ground.

Suspect Smith apparently was not able to get over the north fence, he ran past Sergeant Jones in a southeasterly direction and attempted to climb over the fence. Sergeant Jones was able to follow Suspect Smith, pull him off of the fence and the two struggled for his weapon. Sergeant Jones fired his weapon again, striking Suspect Smith, who then stopped fighting. Sergeant Jones then ran to the front yard to await Cerritos Station deputies. From the front yard area, Sergeant Jones saw what he believed to be the outstanding suspect flee in a dark colored Lexus. Cerritos Station personnel responded and took the remaining suspects into custody.

Both suspects where transported and treated at Long Beach Memorial Hospital.

The third suspect was still outstanding.

No suspect weapons were recovered.

The suspects apparently gained entry into the residence by cutting large slits in the tent material in two places. There were several cutting tools located at the crime scene.

The residence was filled with poisonous gas at the time of the incident.

> **IAB Note: Internal Affairs Bureau [redacted] checked to see that the, Watch Commander Lieutenant George Berumen, took reasonable steps to ensure that Sergeant Jones did not discuss the incident with uninvolved persons prior to being interviewed by the assigned Homicide investigators or his attorney/representative. In addition, Internal Affairs Bureau [redacted] verified that Sergeant Jones was transported to Cerritos Station by Sergeant James Jobling who remained with him until he provided a statement to the assigned Homicide investigators.**
>
> **IAB Note: The summary of this incident is based on physical evidence collected at the scene by Los Angeles County Sheriff's Department Crime Lab personnel, IAB investigator's observations, as well as information obtained from the original crime report, supplemental reports, along with interview of Sergeant Jones (Refer to IAB Exhibits A through C*).***

INVOLVED PERSONNEL

JONES, Damon, Sergeant, #[redacted]
Field Operations Region II
Carson Station

Work History

Date of Employment: 06/26/1996
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to Sergeant: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECTS

SMITH, Del Lamont MB/08/30/84 (listed on the first criminal report as Ahmad Lewis)
[redacted]

COOPER Jr. Vincent MB/10/22/86
[redacted]

SWORN WITNESSES

None

CIVILIAN WITNESSES

None

INJURIES

Sergeant Jones sustained a sprain to his left index finger and soreness to his chest from being struck with an elbow.

Suspect Cooper sustained a gun shot wound to his back/abdomen and a laceration to top of his head. **Refer to IAB Exhibit D, for Suspect Cooper's in-custody medical report.**

Suspect Smith sustained gun shot wounds to his back/abdomen, and hip. **Refer to IAB Exhibit D, for Suspect Smith's in-custody medical report.**

PHYSICAL EVIDENCE

Physical evidence related to the crime scene, collection of evidence, and crime scene diagrams **(Refer to IAB Exhibit A, Homicide Book, pages 5 thru 28)**.

INVESTIGATORS' OBSERVATIONS

Responding Internal Affairs Bureau Sergeants walked through the crime scene and noted the front of the residence had illumination from street lights. There was no lighting on the west side of the residence (walkway to the rear yard). The rear yard where the shooting took place was slightly illuminated by a street light from Artesia Boulevard. There was nothing remarkable beyond what was reported and documented during the investigation.

WEAPONS USED BY SWORN PERSONNEL

Sergeant Jones fired eight rounds of Department authorized 9mm ammunition from a Department authorized Smith & Wesson, Model CS9, "Chiefs Special," 9mm Luger, semiautomatic pistol bearing serial number [redacted]. The weapon and ammunition were found to be within specifications consistent with the Chief's Special **(Refer to IAB Exhibit A, Homicide Book, page 24 for firearm description).**

WEAPONS USED BY SUSPECT

Hands and elbows.

PROPERTY DAMAGE

There was no damage caused by Department personnel located at the scene.

CRIMINAL INVESTIGATOR/CHARGE FILED

On October 7, 2011, one count of 459 PC and one count of 422 PC, both charges with prior felon special allegations, were filed against Suspect Cooper and Suspect Smith. The case was filed in Bellflower Court by Homicide Detective Mitchell Robison and Sergeant Richard Garcia. Both suspects have a pending court date (preliminary hearing) of August 28, 2012.

LIGHTING AND WEATHER CONDITIONS

The shooting took place during night time hours. The rear yard area was described by Sergeant Jones as being periodically illuminated by his flashlight and by a street light on Artesia Boulevard only, due to the lights mounted on the rear of his home being covered by the fumigation tent. **(Refer to Sergeant Jones transcribed Internal Affairs Bureau interview, page 10 and IAB Exhibit A, Homicide Book, page 13 regarding the lighting at the scene)**. The weather was clear and cool.

INVOLVED EMPLOYEE STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the recorded interviews and transcriptions.

Sergeant Jones

Sergeant Jones was interviewed at the Internal Affairs Bureau Offices by Sergeant Sonja Bracken and Sergeant Brenda Parker on June 4, 2012. He was represented by Elizabeth Gibbons of Green and Shinee.

Sergeant Jones said that on October 5, 2011, between 1300 and 1600 hours he notified Cerritos Station that his home was being fumigated and advised them that he would be conducting patrol checks. He did not recall who he spoke to at Cerritos Station. Sergeant Jones said several of his neighbors were also aware that his home was being fumigated and also knew that he was a police officer.

Sergeant Jones said at approximately 1800 hours, a fumigation tent was secured around his home. Sergeant Jones said he ran some errands and took position in his personal vehicle (1997 Black GMC Yukon), backed into his driveway to monitor his home at approximately 2000 hours. Sergeant Jones said he was positioned in the backseat of his vehicle where he could see out the sides of the windows, if anyone were to walk or drive by. Sergeant Jones said he conducted periodic checks around his home every hour. He said during the patrol check that led to this incident, he was on the northwest corner (rear yard) of his home when he heard two to three voices. He also heard what sounded like an aluminum ladder that he knew he had in his backyard. Once he heard the voices he backed up the walkway (southbound) approximately ten feet, attempted to conceal himself in between the bushes, and called Cerritos Station (used the seven digit number) from his cell phone **(refer to enclosed cd and/or Dictaphone job #33639)**.

Sergeant Jones said he could not see anything or anyone one from where he was positioned. He believed he was on the phone for approximately thirty to forty seconds before the three suspects came around and were face to face with him. Sergeant Jones said the suspects were approximately ten to twelve feet away from him. Sergeant Jones believed that suspects possibly heard him on the phone or he may have bumped into the trash cans on the side of his home which caused the suspects to exit his home and discover his presence.

Sergeant Jones said the first thing he was thinking was, "Is this real?" and then "what's going to happen?" Sergeant Jones said he had his cell phone and flashlight in his left hand, and his gun in his right hand. He said as the suspects saw him he did not identify himself as a police officer. Sergeant Jones said he yelled, "Stop, get down," or something of that nature and they did not comply with those orders.

Sergeant Jones said it was a brief one to two second stare down between him and the suspects. He said the suspects did not appear to look at him with a "let me get out of here" look, it was more like, "we outnumber you or we're willing to go to whatever extreme" kind of look. He said he did not see anything in any of the suspects hands. The suspects did not say anything to him prior to him giving the orders for them to get down.

Sergeant Jones said he did not think of backing all the way out to the front of his home as he was calling Cerritos Station. He said once he saw the suspects come around to the walkway, he gave the orders, then they turned and ran away northbound. Sergeant Jones said he wanted to keep a visual on the suspects because his goal was to detain them until Cerritos Station units arrived. He said had all three suspects cooperated, he could have them detained them himself. Sergeant Jones said he did not have any handcuffs with him.

> **IAB Note: Sergeant Jones said the third unidentified suspect ran toward the east side of his home and out of view as all three of the suspects were initially running away.**

Sergeant Jones said at one point one of the suspects (determined to be Suspect Smith) turned his upper body towards him, as he was running away and yelled, "I'll shoot you." Sergeant Jones said by the time Suspect Smith yelled at him, he (Sergeant Jones) had moved forward, more to the northwest corner (backyard) of his home which made the distance between them approximately twenty to twenty five feet. Sergeant Jones said Suspect Smith had not made it to the back wall of his yard yet. Sergeant Jones said he could not tell if anything was in Suspect Smith's hands as he turned and faced him. He thought Suspect Smith's hands were around the mid section of his body but he could not see. Sergeant Jones said he felt scared and that his life was in danger due to the threat that Suspect Smith yelled. He thought Suspect Smith had a weapon which caused him to fire his off-duty gun two to three times.

Sergeant Jones said the backdrop at the time of these shots was the brick wall in the back yard, to the north, which paralleled Artesia Boulevard. Sergeant Jones said Suspect Cooper was to the left of Suspect Smith as they were facing the brick wall. Sergeant Jones said when he fired the first session of rounds, he was aiming for the person who said, "I'll shoot you" (Suspect Smith). Sergeant Jones said he did not know if he struck any of the suspects with that first session of fired rounds. Both suspects continued to flee and began attempting to climb the north fence (brick wall).

Sergeant Jones said after he fired the initial two to three rounds, he paused for approximately two seconds because he thought one of the suspects was possibly going to shoot him. Sergeant Jones said he used the northwest corner of his home as cover. He saw that the suspects were still running away toward the north wall, he advanced toward them with the intentions of detaining them. Sergeant Jones said he also thought that if the suspects had a weapon, they could cause harm to someone else if they got over the fence.

<u>IAB Note:</u> According to the crime scene, there were three spent casings (labeled #1,2,3) recovered in the rear yard in the proximity of where Sergeant Jones fired the first session of rounds (refer to IAB Exhibit A, Homicide Book, pages 5 & 6. Also see the crime scene and aerial photographs in IAB Exhibit F.

Sergeant Jones said he grabbed the male closest to him (Suspect Cooper) by the middle back area of his sweatshirt and pulled him off the wall. Sergeant Jones believed that he had dropped his cell phone at this point. Sergeant Jones recalled having his flashlight in his left hand and his gun in the right hand as Suspect Cooper turned toward him and tried to grab his gun. At this point, Sergeant Jones said he struck Suspect Cooper in the head with his flashlight at least once. Sergeant Jones said he struggled with Suspect Cooper for approximately five seconds in order to maintain control of his gun. He said he felt like Suspect Cooper was trying to pull the gun out of his hand, which made him intentionally fire his weapon one time. Sergeant Jones said the struggle with Suspect Cooper occurred while they were both standing and Suspect Cooper did not strike him.

<u>IAB Note:</u> According to the crime scene, there was one spent casing (labeled #4) recovered in the rear yard in the proximity of where Sergeant Jones struggled with Suspect Cooper (refer to IAB Exhibit A, Homicide Book, pages 6. Also see the crime scene and aerial photographs in IAB Exhibit F.

Sergeant Jones said he did not say anything or identify himself as a deputy to Suspect Cooper during the struggle. He said Suspect Cooper was telling him to "let him go." Sergeant Jones believed that Suspect Cooper was still facing him at the time his gun discharged. Sergeant Jones said Suspect Cooper fell to the ground and said something to the effect of being paralyzed. Sergeant Jones did not know where the round struck Suspect Cooper. Sergeant Cooper said he did not use his feet to strike Suspect Cooper. Sergeant Jones said once Suspect Cooper fell to the ground he did not recall striking him any further, with anything.

<u>IAB Note:</u> During Suspect Cooper's Homicide interview he said Sergeant Jones struck him in the head with a metal object that he believed was a gun. He said Sergeant Cooper then ran down the side of the home and then returned striking him several more times with a metal object.

Sergeant Jones said he felt it was safe to engage Suspect Cooper with his gun in his hand. He said he felt that there was still a threat of the suspects possibly having weapons, especially the one who said he would shoot him (Suspect Smith). Sergeant Jones said he did not have a holster for his off-duty weapon, he was carrying it in his pants pocket.

Sergeant Jones said during the struggle with Suspect Cooper he thought about the possibility of Suspect Smith coming to the aid of his partner (Suspect Cooper). Sergeant Jones said if Suspect Smith would have attempted to help Suspect Smith, he would have given him verbal commands or reacted according to his actions. Sergeant Jones said he initially did not think about the possibility of the third suspect returning to assault him. He said later on, as the incident evolved he thought about the third suspect returning.

Sergeant Jones said once Suspect Cooper fell to the ground, he turned his attention to Suspect Smith who went toward the east side of his home. He mind set was to detain Suspect Smith and not allow him to get away. Sergeant Jones also said his mind set was that he had already called Cerritos Station and that they would arrive very soon. He could not recall when he disconnected his call to Cerritos Station or when he dropped his cell phone.

Sergeant Jones said he ran to the edge (northeast corner) of his home and paused for approximately one to two seconds in order to try and locate Suspect Smith. He also wanted to assure that Suspect Smith was not laying in wait, and hiding on the east side of his home to assault him. Sergeant Jones said as he looked down the east side of his home he saw Suspect Smith attempting to get over the southeast corner of the wall, which led back to the front of the home.

Sergeant Jones said he grabbed Suspect Smith by his shorts to prevent him from going over the wall. Sergeant Jones said as he pulled Suspect Smith off of the wall, Suspect Smith swung backwards with his left elbow, and struck him in his chest. He said Suspect Smith then turned towards him, grabbed the index finger of his left hand, and bent it back. Sergeant Jones said Suspect Smith then pulled him inward, towards his own body and used his left hand to grab his (Sergeant Jones) right wrist (gun hand). Sergeant Jones said his mind set during this struggle was that Suspect Smith was trying to injure him, to gain control of, and take his gun.

Sergeant Jones said he simultaneously shoved Suspect Smith in an attempt to get him off of him and only recalled intentionally firing two shots at him. He said he fired his off-duty weapon at Suspect Smith due to the pain in his left finger and when Suspect Smith grabbed for his gun, he thought there was a possibility of him losing control of his gun. Sergeant Jones said once Suspect Smith fell to the ground he (Suspect Smith) did not say anything to him. Sergeant Jones said he did not strike Suspect Smith once he fell to the ground. Sergeant Jones said he was not aware where the two shots struck Suspect Smith.

> **<u>IAB Note:</u> According to the crime scene, there were 3 three spent casings (labeled #10,17,18) and one expended bullet (labeled #19) recovered on the east side of the home in the proximity of where Sergeant Jones struggled with Suspect Smith (refer to IAB Exhibit A, Homicide Book, pages 7 & 8. Also see the crime scene and aerial photographs in IAB Exhibit F.**

Sergeant Jones said he thought it was safe to grab Suspect Smith with his gun in his hand. Sergeant Jones felt it was more appropriate to grab Suspect Smith due to him being the person who initially said, "I'll shoot you." Sergeant Jones said the struggle with Suspect Smith occurred while they were standing and lasted approximately five seconds.

Sergeant Jones said the fence (brick wall) was his back drop when he fired at Suspect Smith. Sergeant Jones said during the struggle with Suspect Smith he gave commands something to the effect of, "Get down" or "Stop." Sergeant Jones said he did not identify himself as a police officer because it did not cross his mind. He also did not identify himself because in the back of his mind he was thinking, "I'm at my home."

Sergeant Jones said after Suspect Smith fell to the ground and once he ran out of ammunition, he became aware of where he was and realized that he was not in the safest place being on the corner, on the side of his home. He did not have anymore ammunition (magazines) with him to reload his weapon.

> **IAB Note: Sergeant Jones said his off-duty weapon was fully loaded with eight bullets. He only recalled firing six and possibly the seventh shot was an accidental discharge during one of the struggles. He could not explain an eighth shot. Only seven spent casings were found by the crime scene technicians.**

Sergeant Jones said he also thought about the unknown whereabouts of the third suspect and not knowing what weapons any of the suspects possibly had. Sergeant Jones said he then went back around the west side (walkway), to the front of his home, and took cover behind a large tree across the street from his home as he waited for Cerritos units to arrive.

Sergeant Jones said estimated the time from when he called Cerritos Station to the time the first units arrived was approximately a minute and a half. He said the Aero unit arrived on scene as he was running back around to the front of his home, so it arrived approximately one minute from the time he called Cerritos Station.

> **IAB Note: According to the Cerritos Station voice prints Sergeant Jones called the station at approximately 2250hours. The air unit is heard coordinating units at approximately 2255 hours. The ground units are heard and apparently on scene at approximately 2256 hours.**

> **IAB Note: Also according to the voice print of Sergeant Jones telephone call to Cerritos Station at approximately 2250 hours, there were 3 sessions of what sounded like gunfire: three shots at 00:58 of the audio; 2 shots at 01:03 of the audio; and two, possibly three shots at 01:09 of the audio.**

Sergeant Jones said he no longer had his flashlight in his hand when he grabbed Suspect Smith. Sergeant Jones said the lighting on the east side of his home was dark, slightly illuminated by the lighting from Glenda Street.

Sergeant Jones said he did not feel any weapons during the struggle with Suspect Cooper. He did not think about the possibility of Suspect Cooper getting back to his feet and coming up from behind to assault him. Sergeant Jones said during the struggle with Suspect Smith he thought about the possibility of the third suspect coming back around the west side of his home and assaulting him.

Sergeant Jones said he was not aware if any other suspects were inside his home. He thought the three suspects he encountered were the only ones at the scene. Sergeant Jones said he did not think about the possibility of there being other suspects because he was off-duty. He said did not think of the encountering the situation that occurred at all; he did not consider "the big picture" as he would have if he was on-duty. Sergeant Jones said when he encountered this situation, he had a little bit of tunnel vision and he was dealing with the immediate threats.

Sergeant Jones said his initial intention was to be a witness and give updates on the locations of the suspects. He said his mind set changed when the suspects initially ran, Suspect Smith turned towards him and threatened to shoot him. Sergeant Jones said he felt he had to engage the suspects.

Sergeant Jones said he was familiar with the Department's force options chart. He said based off the resources he had available to him, and the totality of the circumstances at the time of this incident, he felt that firing his weapon was his only option. Sergeant Jones said he only had his personal weapons, flashlight and off-duty gun available during the incident.

Sergeant Jones said there were no lights in his back yard due to his home's mounted lighting being covered by the fumigation tent. The only lighting is ambient lighting from the streetlight on Artesia Boulevard.

> <u>IAB Note:</u> **The suspects apparently gained access to Sergeant Jones' home based on the window, window screen and items within the home that appeared to be disturbed (refer to IAB Exhibit A, Homicide Book, pages 14 thru 17).**

Sergeant Jones said he was familiar with the Department's policy regarding single-man foot pursuits. He denied that he was engaged in a foot pursuit when he went after Suspect Smith. He said he was keeping a visual on Suspect Smith to detain him. Once Sergeant Bracken addressed the point that he actually engaged Suspect Smith, Sergeant Jones then agreed that he was in foot pursuit of Suspect Smith. Sergeant Smith added that he thought Suspect Smith would have been a threat to the community if he escape over the fence. He did not intend on engaging or escalating any use of force with Suspect Smith, he intentions was to hold him at the scene. Sergeant Jones said Suspect Smith's actions caused them to further engage with one another.

Sergeant Jones said the distance from the northeast corner of his home to the wall where he engaged Suspect Smith was approximately thirty feet. Sergeant Jones said he considered going back around the west side of his home, to the front of his home to better locate Suspect Smith once he climbed the fence but he did not want to lose sight of Suspect Smith and his possible direction of travel.

Sergeant Jones said normally when he is on-duty as a sergeant and his deputies encounter a situation like this, he would ensure that the deputies contained the location. He then would have the deputies gather as much information as possible on the home and its proper occupants. Sergeant Jones agreed that he would have his deputies wait for assisting units when dealing with a situation like what occurred at his home.

Sergeant Jones said if one of his deputies was conducting a patrol check on a home and that deputy encountered a person in a back yard, he would not expect him to retreat; he would expect him to stand his ground. Sergeant Jones said the situation with his home in this case was a patrol check. Sergeant Jones said that when he heard the voices coming from his home, he used safe tactics by hiding between the trees and immediately contacting Cerritos Station.

Sergeant Jones agreed that Department standing on property crimes was that those types of crimes are not pursued or worth endangering human life. Sergeant Jones said he did not back out of the west walkway, to the front of his home when he heard the voices because he wanted to be able to give a better description of the suspects. Sergeant Jones also said he wanted be able to coordinate arriving units just in case the suspects attempted to escape.

Sergeant Jones said he may not have been thinking as tactfully as he could have in this situation but his decisions, his actions and the engagement or use of force that he used had nothing to do with the property. He said it had to do with him feeling his life was threatened.

Sergeant Jones said he had not seen any of the suspects prior to this incident. Sergeant Jones said his perception of the incident was that he wished it had never happened. Sergeant Jones said he his is familiar with several burglaries of tented homes in Cerritos as well as numerous surrounding cities. Sergeant Jones said he had not pre-planned as to what to do if a burglary did occur as he was conducting security checks on his home. He had only thought as far as contacting Cerritos Station. **(For further details see Sergeant Jones' transcribed interviews).**

> **IAB Note: During Sergeant Jones' IAB interview, page 26 of the transcription, he circled an area of his rear yard where he said Suspects Smith and Cooper were initially attempting to climb the rear wall (north), refer to IAB Exhibit F.**

SWORN WITNESS STATEMENTS

None

CIVILIAN STATEMENTS

None

SUSPECT STATEMENTS

On October 8, 2011, at approximately 1130 hours, Suspect Cooper was interviewed by Homicide investigators Sergeant Richard Garcia and Detective Mitch Robison. The interview took place at Long Beach Memorial Hospital. Suspect Cooper was advised of his Miranda rights and agreed to speak with the investigators.

Suspect Cooper said on the night of this incident he was walking down Artesia Boulevard and saw a house that had a fumigation tent over it. He jumped the back fence into the rear yard of that house and checked to see if the tent was cut. Suspect Cooper denied cutting the fumigation tent. He said he pulled a flap where the tent was cut and tried to get into the house.

Suspect Cooper said he checked the sliding door to see if it was unlocked. He denied having any tools with him. He said he was in the rear yard for about sixteen minutes, when he decided to get a ladder that he saw in the yard to raise up to second floor window. He said the ladder was not stable enough to use, so he was putting the ladder back. Suspect Cooper said as he was putting the ladder back, he saw a light and then heard someone yell, "Get on the ground," or "Get out of my backyard." He stopped and then he heard shots fired.

Suspect Cooper said he got scared and began to run. He said he felt one shot hit him but he continued to run. He said he was shot a second time so he fell to the ground and covered up his head. Suspect Cooper said he then felt blood running down his face. Suspect Cooper said he got his cell phone and called his [redacted] He told her that he was attempting to break into someone's house, he got shot, and was apologizing to her.

Suspect Cooper said as he was on the phone, the same person who shot him (Sergeant Jones) started beating him in his head with a metal object that believed to be a gun. Suspect Cooper said he kept apologizing to Sergeant Jones but he kept hitting him with the metal object. Suspect Cooper said Sergeant Jones then ran down the side of the house.

Suspect Cooper said he was worried about dying in that back yard so he called 911 to get help **(refer to enclosed cd and/or Dictaphone job #33640)**. He said as he was on the cell phone calling for help, he hung up the phone and threw it when Sergeant Jones came back. He said Sergeant Jones saw him on the phone and began hitting him again.

Suspect Cooper claimed he was at the house alone and that no one planned the burglary with him. Suspect Cooper said as he was being treated by fire personnel he saw another guy in the street who had been shot but he denied knowing him. **(For further details see Suspect Cooper's transcribed interview).**

IAB Note: **Suspect Smith refused to be interviewed.**